

REMARKS

Reconsideration and withdrawal of the rejections and objections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. In response to the Notice of Non-Compliant Amendment mailed February 14, 2011, Applicants herein amend the status claim identifiers and additionally herein reiterate its' initial response mailed December 14, 2010 as follows:

The foregoing amendments are made, *inter alia*, to insert the required SEQ ID NO identifiers associated with various listed sequences, as well as to incorporate by reference the Sequence Listing submitted concurrently herewith. No new matter has been added.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

In response to the Office Action mailed September 14, 2010, Claims 1-15, 17, 18, 23, 25 and 31 stand pending. Claims 3-13, 15, 17, 18, 23, 25 and 31 stand withdrawn pursuant to restriction requirement. Claim 2 has been incorporated into Claim 1 and thus Claim 2 has been canceled without prejudice. Claims 1 is currently amended. Claims 1 and 14 thus stand pending for further examination. Support for the amendments may be found in the originally filed claims and the specification and the Figures. No new matter has been added.

Applicants expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended. Thus, Applicants hereby expressly rebut any presumption that Applicants have narrowed or surrendered any equivalents under the doctrine of equivalents by amending the claims, or by presenting any remarks in this paper, and in no way do Applicants disclaim any of the territory between the original claims and the amended claims with respect to any equivalent subject matter.

Applicants expressly reserve the right to file a divisional and/or continuation application claiming the non-elected subject matter, including but not limited to the non-elected subject matter of original Claim 1.

## **II. Statement of Substance of Interview**

Applicants herein file a Statement of the Substance of the Interview ("Statement") in accordance with 37 C.F.R. § 1.133(b) in response to the Interview Summary mailed December 6, 2010. The deadline for filing this Statement is December 23, 2010. Applicants respectfully request entry of the enclosed Statement and consideration of the following remarks.

A telephonic interview was conducted November 23, 2010, between Examiner G. R. Ewoldt, Ph.D. and Applicants' representative, Robert P. Hoag. The statement regarding the substance of the interview provided in the Examiner's Interview Summary (PTOL-413) mailed with the Notice of Allowance is believed to be accurate and complete.

Applicants respectfully submit that the above Statement is in compliance with 37 C.F.R. § 1.133(b). No fee is believed due in conjunction with the filing of this Statement.

## **III. Claim Rejections**

### **A. 35 USC 102(b)**

Claims 1 and 2 are rejected under 35 USC 102(b) as allegedly anticipated by Arunachalam et al. Applicants respectfully traverse and overcome this rejection.

The Examiner alleges that Arunachalam discloses a peptide comprising the amino acid sequence of SEQ ID NO:49 and thus allegedly anticipates Claims 1 and 2. Applicants respectfully traverse and overcome this rejection.

Applicants note that Claim 1, as amended, requires the MHC class II antigenic peptide comprising the amino acid sequence of SEQ ID NO. 49 with additional N-and C-terminal flanking sequences of the corresponding sequence of SEQ ID NOs. 1-3. Applicants respectfully submit that Arunachalam does not teach nor disclose said flanking sequences. Thus, Arunachalam does not teach each and every element of Claim 1 and thus accordingly is not proper 102(b) art against Claim 1.

Accordingly, Applicants respectfully submit that Arunachalam does not anticipate Claim 1, as amended, under 102(b) and, therefore, respectfully request that the anticipation rejection under 102(b) be withdrawn and Claim 1 be placed into condition for allowance.

**B. 35 USC § 103**

Claim 14 is rejected under 35 USC 103(a) as obvious over Arunachalam, in view of Justen et al and Godkins et al. The Examiner acknowledges that Arunachalam does not teach a peptide comprising amino acid sequence of Seq ID. No 49 further comprising an MHC class II molecule, but alleges it would be obvious to make such a complex over the purported teachings of Justen regarding GILT and RA patients, and Godkins regarding purification of MHC Class II molecules. Applicants respectfully traverse and overcome this rejection.

As acknowledged by the Examiner, Arunachalam fails to teach the complex of a MHC class II antigenic peptide linked to a MHC Class II molecule. However, and as noted by Applicants above, Arunachalam additionally fails to even teach the MHC class II antigenic peptide of Claim 1. Arunachalam therefore fails to teach, disclose or even suggest at least two of the three elements of Claim 14.

The addition of Justen and Godkins do not address this deficiency, nor do they supply any motivation to make such a "complex", as neither art, alone nor in combination, teaches, discloses or suggests the MHC class II antigenic peptide of Claim

1. Therefore, one of ordinary skill in the art would have no motivation to make complex of a MHC class II antigenic peptide comprising SEQ ID NO: 49, with additional N- and C-terminal flanking sequences of a corresponding sequence selected from the group of SEQ ID NOS: 1 to 3, linked to a MHC Class II molecule.

In conclusion, since neither Arunachalam, nor Justen nor Godkins a MHC class II antigenic peptide linked to a MHC Class II molecule, Applicants respectfully submit that the instant obviousness rejection over Arunachalam, Justen and Godkins is inapposite. Accordingly, Applicants respectfully request that the 103(a) rejection be withdrawn and that Claim 14 be placed into condition for allowance.

Applicants thus believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

No further fee is required in connection with the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

/Robert P. Hoag/  
Attorney for Applicant(s)  
Robert P. Hoag  
(Reg. No. 39712)  
340 Kingsland Street  
Nutley, NJ 07110  
Telephone (973) 235-4453  
Telefax: (973) 235-2363

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